

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. _____
	:	
v.	:	
	:	<b>FILED <i>EX PARTE</i> AND UNDER SEAL</b>
CITY PLUS CARE PHARMACY INC. D/B/A	:	<b>PURSUANT TO 15 U.S.C. § 1116(d)</b>
HEAL THE WORLD PHARMACY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECLARATION OF GEOFFREY POTTER**

GEOFFREY POTTER, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a partner of the law firm Patterson Belknap Webb & Tyler LLP, attorneys for plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (collectively, “Gilead”).

2. I make this declaration in support of Gilead’s Memorandum of Law in Support of Plaintiff’s Motions for *Ex Parte* Seizure Order, Temporary Restraining Order, Expedited Discovery Order, Asset Freeze Order, and Order to Show Cause for a Preliminary Injunction.

**I. Certification Pursuant to Fed. R. Civ. P. 65(b)(1)**

3. Pursuant to Federal Rule of Civil Procedure 65(b)(1), I certify that Gilead’s counsel has made no attempt to give notice to the Defendants of Gilead’s motion for a temporary restraining order and other relief. Gilead has not given notice, and should not be required to, for the reasons stated in the accompanying memorandum of law, including that *Gilead* is prohibited

from giving such notice under 16 U.S.C. § 1116(d), and because, if given notice, the newly named Defendants are likely to conceal or destroy evidence.

**II. Gilead Satisfies the Requirements of 15 U.S.C. § 1116(d)(4)(B)(ii)**

4. The memorandum of law and the declarations and exhibits in support of Gilead's present application have been kept confidential and are being filed under seal.

5. No previous application for the relief sought herein or any similar form of relief has been made in this or any other court against the Defendants.

6. Gilead has not publicized any information relating to the requested seizure order.

**III. Gilead Satisfies the Requirements of 15 U.S.C. § 1116(d)(2)**

7. Attached hereto as **Exhibit 1** is a true and correct copy, without enclosures, of my firm's letter to the United States Attorney for the Eastern District of New York providing notice pursuant to 15 U.S.C. § 1116(d)(2) of Gilead's application for a seizure order against the newly named Defendants.

**IV. Gilead Satisfies the Requirements of E.D.N.Y. Local Rule 6.1(d)**

8. Pursuant to Local Rule 6.1(d), I certify that no previous application for the relief sought herein or any similar form of relief has been made in this or any other court against the Defendants.

9. The *ex parte* relief sought herein is authorized, among other sources, by 15 U.S.C. § 1116(d). Good cause for the *ex parte* relief exists, as set forth in this declaration, the declarations of other fact witnesses filed herewith, the exhibits thereto, as well the accompanying memorandum of law. Briefly summarized, Gilead has gathered substantial evidence that the Defendants have engaged in the purchase and sale of counterfeit Gilead-branded medications in U.S. commerce, and an *ex parte* seizure pursuant to 15 U.S.C. § 1116(d) is required to secure

Gilead's rights and ensure the counterfeits and/or documents concerning them are not concealed, moved, or destroyed.

10. I attach hereto true and correct copies of the following documents:

Exhibit No.	Description
1	Letter from Geoffrey Potter to the United States Attorney for the Eastern District of New York, dated March 17, 2025
2	Gilead Registered Trademarks
3	Declaration of Gretchen Stroud filed on August 19, 2021 in <i>Gilead I</i> (ECF No. 52)
4	Declaration of Joel Gallant filed on July 22, 2021 in <i>Gilead I</i> (ECF No. 6)
5	Current BIKTARVY® FDA Labeling
6	<i>Gilead Sciences, Inc. v. Safe Chain Solutions LLC</i> , No. 21-cv-4106 (E.D.N.Y.) (" <i>Gilead I</i> ") Memorandum of Law in Support of Plaintiffs' Motion for <i>Ex Parte</i> Seizure Order, Temporary Restraining Order, Asset Freeze Order, Order to Show Cause for a Preliminary Injunction, and Leave to File an Amended Complaint (ECF No. 607)
7	<i>Gilead Sciences, Inc. v. Peter Khaim et al.</i> , No. 24-cv-4259 (E.D.N.Y.) (" <i>Gilead II</i> ") Memorandum of Law in Support of Plaintiffs' Motion for <i>Ex Parte</i> Seizure Order, Temporary Restraining Order, Asset Freeze Order, and Order to Show Cause for a Preliminary Injunction (ECF No. 2-5)
8	<i>United States v. Christy Corvalan</i> , No. 23-cr-110 (S.D.N.Y.), Judgment in a Criminal Case
9	Expedited Discovery Order in <i>Gilead I</i> (ECF No. 21)
10	Expedited Discovery Order in <i>Gilead II</i> (ECF No. 16)
11	<i>Abbott Labs. v. H&amp;H Wholesale Servs.</i> , No. 15-cv-5826 (E.D.N.Y.) (" <i>Abbott</i> "), Preliminary Injunction Against Nabila and Qaiser Chaudhary (ECF No. 423)
12	<i>Abbott</i> , Notice of Default Against Nabila Chaudhary (ECF No. 1843)
13	<i>Abbott</i> , Notice of Default Against Qaiser Chaudhary (ECF No. 1846)
14	<i>Abbott</i> , Default Judgement Against Nabila and Qaiser Chaudhary (ECF No. 2121)
15	<i>Abbott</i> , Permanent Injunction Against Nabila and Qaiser Chaudhary (ECF No. 2122)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on March 14, 2025.



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GEOFFREY POTTER